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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,508	11/30/2000	Masayuki Hoshi	P107156-00030	8912

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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/725,508

Applicant(s)

HOSHI, MASAYUKI

Examiner

Truc T Chuong

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,808,608).

As to claim 1, Young teaches timer reservation device for storing a recording onto a record medium automatically at a reserved date and time, comprising:

reservation setting means capable of setting a first reserved program to reserve repetitive executions of a reservation setting for a plurality of days (fig. 4), said reservation setting extending from a recording start time to a recording end time (col. 24 lines 20 and fig. 25);

remaining capacity detecting means for detecting the recordable remaining capacity of said record medium (col. 8 line 66 and figs. 12-13); and

calculating means for calculating up to what date the recording of said first reserved program is executable on said record medium (col. 4 lines 29-36), based on the recordable remaining capacity (figs. 12-13) and the recording time of one execution of said first reserved program (variable length, col. 4 lines 52-67), wherein

a due date calculated by said calculating means is displayed on display means (figs. 4-7 and 13).

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As to claim 2, Young teaches the timer reservation device according to claim 1, wherein:

said display means is a TV set externally connected to the time reservation device (col. 5 lines 38 and col. 17 lines 25-27); and

the timer reservation device further comprises an onscreen data generating unit for generating a video signal to display specifics of said first reserved program and the due date calculated by said calculation means on a screen of said TV set (figs. 4-7 and 13).

As to claim 3, Young teaches the timer reservation device according to claim 1, wherein said reservation setting means selects at least one from among daily, day of week, Monday-Saturday, and Monday-Friday to reserve the repetitive executions of said reservation setting for a plurality of days (repeatedly recorded in CH7 of fig. 4).

As to claim 4, Young teaches the timer reservation device according to claim 1, wherein: the timer reservation device compresses a record signal at a predetermined compression rate (EP or SP of fig. 4) and recording the resultant on said record medium (What's on This Tape of fig. 13); and

said calculating means calculates a recording capacity necessary for one execution of the reservation setting of said first reserved program based on the recording time of one execution of said first reserved program and said compression rate, subtracts the necessary recording capacity from the recordable capacity repetitively, and sets the due date at the date of the last reservation setting to be executed with remaining capacity (Element 88, Tape Time Remaining, fig. 13).

As to claim 11, it is individually similar in scope to claim 1 above; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent No. 5,808,608) in view of Windows NT Screen Capture 1 and 2.

As to claim 5, Young teaches the timer reservation device according to claim 2, wherein:

said reservation setting means is also capable of setting a second reserved program to reserve an execution of a reservation setting at a designated date alone, said reservation setting extending from a recording start time to a recording end time (CH 13 of fig. 4, and Start and End Time of fig. 25); and

the timer reservation device, if said second reserved program is to be executed prior to the first-to-be-executed reservation setting of said first reserved program (the viewer can select priority for each channel, col. 16 lines 53-67); however, Young does not clearly teach requires a recording capacity smaller than or equal to the recordable capacity of said record medium, displays on said display means that the recording to be executed for said second reserved program is recordable on said record medium. Windows NT Screen Capture 1 clearly demonstrates a display is showing the recording (copying) status of the process if there is enough disk space. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have this status feature of the Windows NT to Young's schedule system to be able to cancel the recording (copying) process.

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As to claim 6, Young teaches the timer reservation device according to claim 5, wherein the timer reservation device, if said second reserved program is to be executed prior to the first-to-be-executed reservation setting of said first reserved program and requires a recording capacity greater than the recordable capacity of said record medium (see claim 5 above); however, Young does not teach displaying on said display means that the recording for said second reserved program is unrecordable on said record medium. Windows NT Screen Capture 2 clearly demonstrates an error message is showing the status of unrecordable (unable to copy) of the process. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to add this error status feature of the Windows NT to Young's schedule system to notify the user.

As to claim 7, it is individually similar in scope to claim 6 above; therefore, rejected under similar rationale.

As to claim 8, the limitation of this claim can be found in claims 6 and 7. Note the rejections of claims 6 and 7 above.

As to claim 9, the limitations of this claim can be found in claims 1 and 5. Note the rejections of claim 1 and 5 above.

As to claim 10, it is individually similar in scope to claim 2 above; therefore, rejected under similar rationale.

As to claim 12, it is individually similar in scope to claim 9 above; therefore, rejected under similar rationale.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aotake (U.S. Patent No. 6,385,386) teaches remaining time, video recording, start and end time, status, and capacity (cols. 1-48 and figs. 7-24).

Young (U.S. Patent No. 4,706,121) teaches schedule information, recording, video display, programs, and timer (cols. 3-22 and figs. 2-5).

Young et al. (U.S. Patent No. 5,353,121) teach start and end time, programs, TV schedule, remaining tape, VRC, recording, status, and GUI (cols. 1-28 and figs. 1-26B).

Young (U.S. Patent No. 5,991,498) teaches VCR programming system, storage, TV, and start/end time (cols. 1-17 and figs. 1-7).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong
May 5, 2003

Kristine Kincaid
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